

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF PUERTO RICO

3 ACEMLA DE PUERTO RICO, INC.
4 (ACEMLA) A/K/A ASOCIACION DE
5 COMPOSITORES Y EDITORES DE
6 MUSICA LATINOAMERICANA, AND
7 LATIN AMERICAN MUSIC CO., INC.,
8 (LAMCO),

Civil No. 05-1454 (PG)

9 Plaintiffs,

10 v.

11 EL PERIODICO DE LA NACION
12 PUERTORRIQUEÑA; ABC
13 CORPORATION; JOHN DOE AND JANE
14 DOE, AND THE CONJUGAL
15 PARTNERSHIP THEY FORM, AND DEF
16 INSURANCE COMPANY,

17 Defendants.

18 O R D E R

19 The presiding judge has requested our assistance in addressing
20 the renewed motion for temporary restraining order, Docket Document
21 No. 4, filed April 27, 2005. The judge's pressing criminal docket
22 does not allow for his immediate attention to this matter before
23 May 6, 2005. See Order entered April 27, 2005, Docket Document
24 No. 3.

25 We look at this file from the perspective of Plaintiffs' new
26 request for a temporary restraining order and preliminary injunction
27 against Defendants.

28 Having examined the record, the court **affirms** its earlier
29 decision not to grant a temporary restraining order, and further

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1 **denies** Plaintiffs' request for an expedited preliminary injunction
2 hearing before May 6.

3 Even assuming a willful violation of the copyright laws during
4 the upcoming activity scheduled for the weekend ending on May 1,
5 Plaintiffs' allegations fail to establish that an irreparable damage
6 will occur. Any single discrete violation of the type alleged can be
7 addressed by a trial on the merits, and any eventual monetary
8 judgment can be executed following ordinary procedures. Therefore,
9 the request for injunctive relief is denied. The parties are
10 advised, however, that laws, as well as copyrights, are in place to
11 be observed and followed, and willful violations to these laws
12 eventually end in appropriate redress. The conduct of the parties in
13 the next few days will indelibly mark their positions, for which they
14 are accountable not only before organized law-abiding society, but
15 also before this court.

16 The May 6 setting is **VACATED**. The presiding judge will
17 determine the case's scheduling under Fed. R. Civ. P. 16. Any
18 amendment to the pleadings to include natural persons in lieu of
19 fictitious defendants shall be made **within ten (10) days**.

20 Finally, the court urges the parties to responsibly consider
21 settling this matter, inasmuch as an amicable disposition seems to be
22 a civilized alternative to this controversy.

23 **IT IS SO ORDERED.**

24 San Juan, Puerto Rico, this 28th day of April, 2005.

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1 S/José Antonio Fusté
2 JOSE ANTONIO FUSTE
3 Chief U. S. District Judge